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T.R.A. DOCKET ROOM
February 20, 2004

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VIA HAND DELIVERY

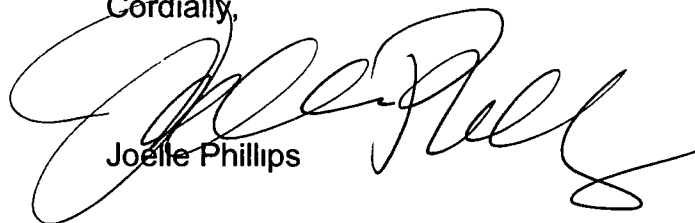
Hon Deborah Taylor Tate, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re. *Complaint of Aeneas Communications Against Citizens Communications
in Weakley, Tennessee*
Docket No 02-00438

Dear Chairman Tate

Enclosed are the original and fourteen copies of BellSouth's *Response to Motion
of Aeneas to Join BellSouth*. Copies of the enclosed are being provided to counsel of
record

Cordially,



Joelle Phillips

JJP:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Complaint of Aeneas Communications Against Citizens Communications
in Weakley, Tennessee*

Docket No. 02-00438

**BELLSOUTH'S RESPONSE TO MOTION OF AENEAS
TO JOIN BELLSOUTH**

BellSouth Telecommunications, Inc. ("BellSouth") files this *Response* in opposition of the *Motion of Aeneas to Join BellSouth* and respectfully shows the Tennessee Regulatory Authority ("Authority" or "TRA") as follows:

This docket arises out of a dispute between Aeneas Communications ("Aeneas") and Citizens Communications ("Citizens") about the routing of calls between their companies. BellSouth is not a necessary party to resolve any of the allegations in the original complaint, and the Aeneas *Motion* to join BellSouth does not suggest otherwise

Aeneas' position that BellSouth is now a necessary party is based, instead, upon a negotiated resolution of Aeneas' complaint, which involves a facility from BellSouth for the purpose of moving traffic between their companies. The sole issue relating to BellSouth is the issue of the proper charge for the facility Aeneas wishes to purchase from BellSouth for this purpose. BellSouth has attempted to work with Aeneas to explain the various issues, both legal and operational, related to Aeneas's position. BellSouth overviews some of these issues below

Contrary to the contention in Aeneas' *Motion*, the facility Aeneas wishes to purchase is not a UNE Loop. The Federal Communications Commission (FCC) has

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Contrary to the contention in Aeneas' *Motion*, the facility Aeneas wishes to purchase is not a UNE Loop. The Federal Communications Commission (FCC) has

defined a UNE Loop as "a transmission facility between a distribution frame (or its equivalent) in an incumbent LEC central office and the loop demarcation point at an end-user customer premises" (See 47 C.F.R. § 51.319(a)). Clearly, the facility Aeneas seeks to purchase from BellSouth would not provide a transmission path to an end user, but to another carrier – Citizens. In addition, the facility is not available as UNE dedicated transport. The FCC has defined dedicated transport as a transmission path between two switches or wire centers owned by an incumbent LEC. The facility Aeneas is requesting, however, will provide a transmission path between switches or wire centers of two carriers who are wholly unrelated to BellSouth. Moreover, a UNE dedicated transport facility would lack the needed features for it to accomplish what Aeneas seeks to accomplish, as Aeneas is really seeking an interconnection facility with associated trunks in order to exchange its traffic with Citizens. BellSouth has proposed that the parties place an access order (from the FCC or intrastate access tariffs) for a T1 circuit equipped with 24 Feature Group D circuits between the Aeneas POP and Citizens' Sharon switch. BellSouth will bill the ordering company for the entire circuit, although the companies are free to work out whatever compensation arrangements they wish between themselves.

Any dispute with BellSouth regarding the foregoing is solely a dispute between BellSouth and Aeneas, as the party attempting to purchase the facility from BellSouth. Such dispute has no bearing on the resolution of the complaint between Aeneas and Citizens.

Importantly, purchasing the facility from BellSouth is certainly not the only feasible solution to the dispute between Aeneas and Citizens. Those carriers are free

to establish interconnection between their companies without involving BellSouth at all. Moreover, Aeneas cites no authority for the position, implicit in its argument, that BellSouth must provide UNEs for the purpose of interconnection between two *other* companies, neither of which is BellSouth.

Aeneas' attempt to embroil BellSouth in this controversy is nothing more than an attempt to transfer to BellSouth a portion of the cost involved for Aeneas to interconnect and exchange traffic with another carrier. While BellSouth has attempted to work cooperatively with the parties to explore efficient strategies for resolving their dispute, Aeneas now attempts to make resolution of the Aeneas/Citizens dispute the financial responsibility of BellSouth.

For the foregoing reasons, BellSouth respectfully urges the Hearing Officer to deny the *Motion* to join BellSouth as a party to these proceedings.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2004, a copy of the foregoing document was served on the following, via the method indicated:

☐ Hand
☐ Mail
☐ Facsimile
☐ Overnight
☒ Electronic

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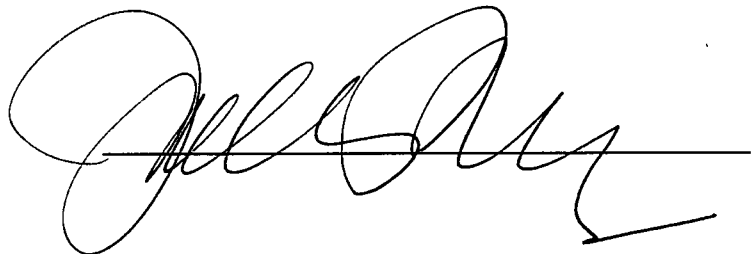
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A handwritten signature in black ink, appearing to read 'James Wright', is written over a horizontal line.